



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SUPREME COURT OF THE PHILIPPINES  
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SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:

**"G.R. No. 249378 (Banco De Oro Universal Bank, Inc. [now BDO Unibank, Inc.] v. Baybayan Farms, Inc.)**

The petitioner Banco De Oro Universal Bank, Inc., now BDO Unibank, Inc.'s (petitioner), motion for an extension of thirty (30) days within which to file a petition for review on *certiorari* is **GRANTED**, counted from the expiration of the reglementary period.

The petitioner's second motion for extension of fifteen (15) days from November 8, 2019 within which to file a petition for review on *certiorari* is **DENIED**, and the petitioner's **MANIFESTATION**, stating that, the Court of Appeals (CA) was inadvertently not furnished with a copy of the motion for extension to file petition which was filed on October 7, 2017, is **NOTED**.

After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the May 23, 2019 Decision<sup>2</sup> and the September 11, 2019 Resolution<sup>3</sup> of the CA in CA-G.R. CV No. 110058 for failure of petitioner to sufficiently show that the CA committed any reversible error in ruling that respondent Baybayan Farms, Inc. (respondent) was entitled to lawful possession of the owner's duplicate copy of Transfer Certificate of Title No. T-23021<sup>4</sup> (subject title).

As correctly ruled by the CA, respondent had *prima facie* established its lawful right to possess the subject title, having shown that it was the registered owner thereof.<sup>5</sup> Thus, it became incumbent upon petitioner to present sufficient evidence proving its right to retain possession of the subject title, which it failed to do.<sup>6</sup> In this regard, case law provides that, in civil cases, once a plaintiff makes out a *prima facie* case, the burden of evidence shifts to the defendant to present controverting evidence, failing in which, a verdict must be given in plaintiff's favor.<sup>7</sup> Moreover, it bears stressing that factual findings of the trial courts, when adopted and confirmed by the CA, are binding and conclusive on this Court, and will generally not be reviewed on appeal, absent any of the recognized exceptions,<sup>8</sup> as in this case.

<sup>1</sup> Rollo, pp. 29-38.

<sup>2</sup> Id. at 46-54. Penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Myra V. Garcia-Fernandez and Victoria Isabel A. Paredes, concurring.

<sup>3</sup> Id. at 56-57.

<sup>4</sup> Not attached to the rollo.

<sup>5</sup> See rollo, pp. 51-52.

<sup>6</sup> See id. at 53.

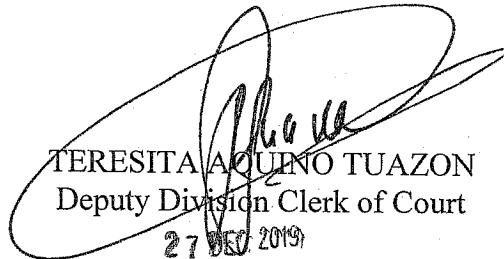
<sup>7</sup> See *Stronghold Insurance Co., Inc. v. Interpacific Container Services*, 762 Phil. 483, 491 (2015).

<sup>8</sup> See *Insular Investment and Trust Corporation v. Capital One Equities Corporation*, 686 Phil. 819, 830-831 (2012).

*11/2/19*

**SO ORDERED.”**

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
27 DEC 2019

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 142  
Makati City  
(Civil Case No. 14-258)

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GR249378. 12/11/2019B(209)URES